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## **Written Testimony Opposing Senate Bill No. 374, An Act Requiring Behavioral Health Assessments for Children**

Senator Gerratana, Representative Johnson and distinguished members of the Public Health Committee, my name is David McGuire and I am the staff attorney for the American Civil Liberties Union of Connecticut. I am testifying in opposition to Senate Bill No. 374, An Act Requiring Behavioral Health Assessments for Children, because it would mandate assessments without parental consent.

If the screenings were optional, the ACLU of Connecticut would most likely support this legislation. We recognize the value of early mental health assessments in identifying children in need of help and we support such screening when it is offered on a voluntary basis. But help will not be effective if forced on children and their families, whose consent and cooperation is essential to successful screening and to any ensuing diagnosis and treatment. Proceeding without consent would threaten families' privacy and the parents' rights to choose what is best for their children.

In addition to providing a clear opt-in mechanism for active parental consent, we urge the committee to specify clearly the qualifications of those who may conduct the assessments. Experts have identified many dangers to improperly administered mental and behavioral health screenings, including false negatives that leave disorders undiagnosed and false positives that lead to unwarranted treatment and medication. Unqualified screeners may reach stereotyped diagnoses, including over-identifying boys and some ethnic groups with externalizing problems such as ADHD and girls with internalizing problems such as anxiety disorders.<sup>1</sup> The committee should also require that parents be given a clear explanation of the assessment process, along with copies of any forms or protocols involved, before their consent is requested.

Although many states have successful behavioral health screening programs, mandatory assessments appears to be unprecedented. The Journal of School Health reported in 2007 that "In fact, 'mandatory universal screening' for behavioral health issues does not exist anywhere and has never been recommended by any federal agency or community screening program. All existing mental health screening programs are voluntary and require active informed consent of the family and the assent of the student."<sup>2</sup> Connecticut has no reason to step outside this well-established precedent.

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<sup>1</sup> CENTER FOR MENTAL HEALTH IN SCHOOLS AT THE UNIVERSITY OF CALIFORNIA LOS ANGELES, SCREENING MENTAL HEALTH PROBLEMS IN SCHOOLS available at <http://smhp.psych.ucla.edu/pdfdocs/policyissues/mhscreeningissues.pdf>

<sup>2</sup>Weist, M. D., Rubin, M., Moore, E., Adelsheim, S. and Wrobel, G., *Mental Health Screening in Schools*, JOURNAL OF SCHOOL HEALTH (February 2007), available at [http://www.nami.org/Template.cfm?Section=schools\\_and\\_education&template=/ContentManagement/ContentDisplay.cfm&ContentID=43074](http://www.nami.org/Template.cfm?Section=schools_and_education&template=/ContentManagement/ContentDisplay.cfm&ContentID=43074)

It's clear that voluntary, properly administered behavioral assessments can help children with behavioral problems obtain an appropriate diagnosis so that their parents may seek treatment for them, and we commend the effort to provide this service. There is a need for carefully developed programs that will help identify disturbed individuals who we hope to help early, before they become chronically ill, undertreated, and without important resources. It will benefit not only children and their families but our society as a whole by supporting the development of well-adjusted and productive adults.

It's more difficult, however, to construct a public safety argument for behavioral health screening, and we urge you not to force it on families in the belief that it would prevent acts of mass murder, such as the tragedy in Newtown. Leading mental health experts agree that it's nearly impossible to identify a potential mass murderer through psychiatric means. According to John Monahan, a professor at the University of Virginia whose work focuses on violence prediction, the accuracy of mental-health professionals' predictions concerning mass violence are only "slightly better than chance ... To predict something as rare as a mass shooting is like trying to find a very small needle in a very large haystack."<sup>3</sup>

Thank you for hearing our concerns. As much as the ACLU of Connecticut applauds the intent of this legislation, we respectfully ask the committee to amend it in order to protect families' privacy and parents' rights to decide what is best for their children.

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<sup>3</sup>Margot Sanger-Katz, *Why Improving Mental Health Would Do Little to End Gun Violence* NATIONAL JOURNAL (January 24, 2013) <http://www.nationaljournal.com/magazine/why-improving-mental-health-would-do-little-to-end-gun-violence-20130124>